

Remarks

Applicant respectfully requests reconsideration of this application as amended. Claims 1, 11, 18, 29, 34, and 36 have been amended. No claims have been cancelled or added. Therefore, claims 1-22 and 26-38 are presented for examination.

Submission of Formal Drawings

Applicant submits replacement formal drawings for the above-identified application concurrently herewith.

35 U.S.C. §103(a) Rejection

Claims 1-6, 8, 11-22, 26, 27, 29-32, 34 and 36-38 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Horvitz et al. (U.S. Pub No. 2003/0046421) in view of Cote et al. (U.S. Patent No. 6,021,262). Applicant submits that the present claims are patentable over Horvitz in view of Cote.

Horvitz discloses a system that provides controls and displays for acquiring user preferences, inspecting behavior, and guiding learning and decision policies of an adaptive communications prioritization and routing system. (Horvitz at paragraph [0007].) More specifically, the system enables a plurality of information associated with electronic messages to be automatically prioritized by a message urgency system for transmittal to a user or system. The message urgency system can employ classifiers that can be explicitly and/or implicitly trained to prioritize or triage one or more received messages according to a learned importance to the user. (Horvitz at Abstract.)

Cote discloses a technique wherein a deficiency detected in an application system, e.g., a messaging system, that is implemented on a distributed computing system is automatically brought to the attention of an administrator in a notification process. The notification process has a configurable schedule of urgency levels and actions that can be taken to make the administrator aware of the deficiency. The actions include sending a messaging system message to the administrator, starting a software application to notify the administrator via other means, such as a pager, and causing a message to appear immediately on a computer screen. The actions may be selected to be executed at points staggered in time according to an escalated need for attention to the deficiency. (Cote at col. 1, ln. 66-col. 2, ln. 12.)

Claim 1, as amended, recites:

A method, comprising:

- providing a digital assistant having an event detector and an agent selector;

- receiving information of an event;

- determining a level of importance of the event relative to a first person;

- providing the digital assistant with access to a communications service provider such that the agent selector is able to attempt to contact at least one person;

- if the level of importance of the event is determined by the digital assistant to be greater than or equal to a first predetermined threshold, and if the level of importance of the event is determined by the digital assistant to be below or equal to a second predetermined threshold, then selecting one person to contact and attempting to contact the one person; and

- if the level of importance of the event is determined by the digital assistant to be greater than or equal to the second predetermined threshold, then selecting a plurality of persons to contact and attempting to contact the plurality of persons;

- wherein the agent selector selects the one person and the plurality of persons to contact based on at least one of profile information and rules provided by a user of the digital assistant, the profile information including the user's personal preferences for particular services and communication products, and the rules including limits on carrying out particular functions for the user.

Applicant submits that Horvitz does not disclose or suggest the agent selector selecting the one person and the plurality of persons to contact based on at least one of profile information and rules provided by a user of the digital assistant, the profile information including the user's personal preferences for particular services and communication products and the rules including limits on carrying out particular functions for the user, as recited by claim 1. The Office Action acknowledges this when stating that "Horvitz does not explicitly disclose...the agent selector selects the one person and the plurality of persons to contact based on at least one of profile information and rules provided by a user of the digital assistant." (Office Action mailed 6/9/06 at pg. 4.) However, the Office Action does rely on Cote as disclosing this feature. (Id.)

Applicant further submits that Cote also does not disclose or suggest the agent selector selecting the one person and the plurality of persons to contact based on at least one of profile information and rules provided by a user of the digital assistant, the profile information including the user's personal preferences for particular services and communication products, and the rules including limits on carrying out particular functions for the user. The Office Action cites Cote at column 7, lines 8-27 and line 43-60 as disclosing the cited feature of claim 1. (Id.) These cited portions of Cote discuss a notification escalation procedure and a service hours procedure. However, applicant can find no disclosure or suggestion of an agent selector selecting a person(s) based on at least one of profile information and rules provided by a user of the digital assistant, the profile information including the user's personal preferences for particular services and communication products and the rules including limits on carrying out particular functions for the user. There is no disclosure or suggestion in Cote of profile information including a user's personal preferences for particular services and communication

products, and rules including limits on carrying out particular functions for the user.

Therefore, Cote does not disclose or suggest the cited feature of claim 1.

As neither of Horvitz nor Cote disclose or suggest the agent selector selecting the one person and the plurality of persons to contact based on at least one of profile information and rules provided by a user of the digital assistant, the profile information including the user's personal preferences for particular services and communication products and the rules including limits on carrying out particular functions for the user, any combination of Horvitz and Cote also does not disclose or suggest such a feature. Therefore, claim 1, as well as its dependent claims, is patentable over Horvitz in view of Cote.

Independent claims 11, 18, 29, 34, and 36, also recite, in part, the agent selector selecting the one person and the plurality of persons to contact based on at least one of profile information and rules provided by a user of the digital assistant, the profile information including the user's personal preferences for particular services and communication products and the rules including limits on carrying out particular functions for the user. As discussed above, Horvitz in view of Cote does not disclose or suggest such a feature. Therefore, claims 11, 18, 29, 34, and 36, as well as their respective dependent claims, are patentable over Horvitz in view of Cote.

Claims 1, 11 and 34 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Sweeney et al. (U.S. Pub. No. 2002/0083168), in view of Carleton (U.S. Pub. No. 2001/0044840). Applicant submits that the present claims are patentable over Sweeney in view of Carleton.

Sweeney discloses a method for monitoring events generated on a computer system. The method includes: monitoring a set of event data in a database; recording the set of event data in a database; interrogating the database to thereby select alert event data from the set of event data according to a predefined set of rules; and reading the alert event data and issuing an appropriate action due to the generated event, the action issued according to the predefined set of rules. (Sweeney at paragraphs [0007] – [0011].)

Carleton discloses a system for real-time monitoring and surveillance of a computer network according to a set of business rules that describe system and device operational requirements. The business rules are determined by users and implemented by network administrators so that direct, real-time, on-the-fly secure, interaction with the business rules is provided. Carleton also provides an interface to apply the business rules to network monitoring so that designated users are notified according to user-defined escalation levels when a device violates a business rule. (Carleton at Abstract.)

Applicant submits that Sweeney does not disclose or suggest the agent selector selecting the one person and the plurality of persons to contact based on at least one of profile information and rules provided by a user of the digital assistant, the profile information including the user's personal preferences for particular services and communication products and the rules including limits on carrying out particular functions for the user, as recited by claim 1. The Office Action acknowledges this when stating that “Sweeney does not explicitly disclose...the agent selector selects the one person and the plurality of persons to contact based on at least one of profile information and rules provided by a user of the digital assistant.” (Office Action mailed at pg. 8.) However, the Office Action does rely on Carleton as disclosing this feature. (Id.)

Applicant further submits that Carleton also does not disclose or suggest the agent selector selecting the one person and the plurality of persons to contact based on at least one of profile information and rules provided by a user of the digital assistant, the profile information including the user's personal preferences for particular services and communication products and the rules including limits on carrying out particular functions for the user. The Office Action cites Carleton at paragraph [0053] as disclosing the cited feature of claim 1. This cited portion of Carleton discusses business rules that specify operational requirements for a network. (Carleton at paragraph [0053].) However, applicant can find no disclosure or suggestion of an agent selector selecting a person(s) based on at least one of profile information and rules provided by a user of the digital assistant, the profile information including the user's personal preferences for particular services and communication products and the rules including limits on carrying out particular functions for the user. There is no disclosure or suggestion in Carleton of profile information including a user's personal preferences for particular services and communication products, and rules including limits on carrying out particular functions for the user. Therefore, Carleton does not disclose or suggest the cited feature of claim 1.

As neither of Sweeney nor Carleton disclose or suggest the agent selector selecting the one person and the plurality of persons to contact based on at least one of profile information and rules provided by a user of the digital assistant, the profile information including the user's personal preferences for particular services and communication products and the rules including limits on carrying out particular functions for the user, any combination of Sweeney and Carleton also does not disclose or suggest such a feature. Therefore, claim 1, as well as its dependent claims, is patentable over Sweeney in view of Carleton.

Independent claims 11 and 34 also recite, in part, the agent selector selecting the one person and the plurality of persons to contact based on at least one of profile information and rules provided by a user of the digital assistant, the profile information including the user's personal preferences for particular services and communication products and the rules including limits on carrying out particular functions for the user. As discussed above, Sweeney in view of Carleton does not disclose or suggest such a feature. Therefore, claims 11 and 34, as well as their respective dependent claims, are patentable over Sweeney in view of Carleton.

Claims 7, 9, 10, 28, 33 and 35 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Horvitz et al. and Cote et al., as applied to claims 1, 18, 29, and 34, and further in view of what was well known in the art. Regarding claims, 7, 9, 10, 28, 33, and 35, these claims variously depend from independent claims 1, 18, 29, and 34. Applicant has previously asserted claims 1, 18, 29, and 34 are patentably distinguished over Horvitz in view of Cote. What is well known in the art does not remedy the defects of Horvitz in view of Cote in light of claims 1, 18, 29, and 34. Therefore, claims 7, 9, 10, 28, 33, and 35 are patentable over Horvitz and Cote, even in view of what is well known in the art.

Applicant respectfully submits that the rejections have been overcome and that the claims are in condition for allowance. Accordingly, applicant respectfully requests the rejections be withdrawn and the claims be allowed.

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

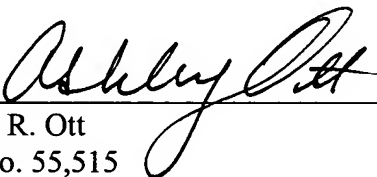
Applicant respectfully petitions for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

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